IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NOTHERN DIVISION

LARRY CARL DIXON, #138238,

Plaintiff

v.

: Civil Action No. 2:06-CV-164-WKW

WILLIE THOMAS, et al.,

Defendants.

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for the State of Alabama at Large, personally appeared Willie J. Thomas, who being known to me and being by me first duly sworn, deposes and says:

My name is Willie J. Thomas. I am currently employed with the Alabama Department of Corrections as a Warden III at Elmore Correctional Facility in Elmore, Alabama. I am over twenty-one (21) years of age.

I do not deny that inmate Larry Carl Dixon injured his left finger on August 3, 2005. I do deny that my staff and I have shown callous disregard and deliberate indifference for the safety of the inmates in our custody.

Incident Report Number ECC 05-983 shows that my staff took immediate action to get inmate Dixon medical attention after inmate Dixon reported the incident. Special Needs

Communication Forms dated August 12, 2005, August 25, 2005, October 18, 2005 and December 30, 2005 show that my staff ensured inmate Dixon got medical treatment for his finger. I have instructed my staff to follow the instructions the medical personnel issue on inmates' medical treatment. Copies of these documents are attached.

EXHIBIT

A

I certify Incident Report Number ECC 05-983 and the four Special Needs Communication Forms dated between August 12, 2005 and December 30, 2005 to be true and correct copies of documents on file in inmate Dixon's institutional file as of the date of this affidavit. Inmate Dixon's institutional file is maintained in an office I supervise at Elmore Correctional Facility.

I was not aware the windows in the dorms at Elmore Correctional Facility were in such disrepair at the time this incident took place. It was policy at the time this incident took place that inmates are not to raise, lower, or adjust any of the windows at any time. That policy remains in effect to this day.

I deny each and every allegation inmate Dixon made against me in his complaint. I also deny that I have violated any of inmate Dixon's constitutional rights.

STATE OF ALABAMA:

COUNTY OF ELMORE:

Sworn to and subscribed before me and given under my hand and official seal on this the

about day of March, 2006.

cone G. Settleeland

My Commission expires February 3, 2007

STATE OF ALABAMA DEPARTMENT OF CORRECTIONS

1. Institution: ELMORE CORRECTIONAL CENTER 5. Location Where Incident Occurred: C dorm 7. Time Incident Reported:	ate:	ь.		
5. Location Where Incident Occurred: C dorm	08/03/05	3. Time:	4. Incident Number	Class Code;
C dorm	00/05/03	8:23 p.m.	ECC 05-	<u> గన</u>
7. Time Incident Reported:	•	6. Type of Incident: Alleged Inmate	Dinon A	/-
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Distribution: ORIGINAL AND ONE (1) COPY to Central I & I Division COPY to Institutional File

COPY to Deputy Commissioner of Operations (Class A and B ONLY) COPY to Central Records Office

continured on 302 - B

STATE OF ALABAMA DEPARTMENT OF CORRECTIONS

INCIDENT REPORT/DUTY OFFICER REPORT CONTINUATION

Institution:	CONTINUATION	
Elmore Correctional Center	Incident Number:	Class Code:
Date:	ECC 05-1011	TY
08/03/05 Narrative Summary (Continued) Page No.	Type of incident; All	eged Inmate Injury
		9
Bromley that per the Emergency Room do doctors were going to trim the bone on inm approximately 1:40 a.m., Officers LaFogg enroute to the SHCU with inmate Dixon, A with inmate Dixon, Inmate Dixon was adm	ig notified Elmore that he and Officer Edelen had a son. At approximately 11:10 p.m., Officer LaFogg ectors, inmate Dixon would not be admitted. Office ate Dixon's finger, sew up the open wound and the and Edelen contacted Elmore via radio and advise at approximately 2:13 a.m., Officers Edelen and Latted into Staton MOU until he could be examined.	informed Sgt. Charles r LaFogg stated that the n release inmate Dixon. At d Sgt. Bromley that they were aFogg arrived at the SHCU
doctor. At approximately 2:25 a m. Office	re Edeler and Latin	by the Health Care Unit
Elmore CC's outgate count. (see attached)	pody chart). No further action taken.	hate Dixon was placed on
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Alabama Department of Corrections Duty Officer Report

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	<i>a</i> •••

	•	· Cla	ss Code
Type of Incident: Alleged Inmate	Injury Just	ę	
Victim(s): Dixon, Larry	AIS# 1382		· · · · · · · · · · · · · · · · · · ·
	AIS#	38 R/S B/M R/S	DOB 12/13/64 DOB
Suspects(s): N/A	AIS#	R/S	DOB
-	AIS#	R/S	DOB
Contonal D	AIS#	R/S	DOB
Sentenced From: Mobile	Date	of Sentence: 01/	07/88
Offense(s): FUCC X III	<u> </u>		
TOP II	Leng	th of Sentence: 20	O Years Total
Minimum Release Date: 06/24/201	13	·	
Date: 8/03/05 Time: 8:23 pm		m near brok #12	
Brief Narrative:		m near bunk #13	
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On the above date and time Inmate trying to put the window up when it transported to the Staton Health Ca	fell on his left index for	rthur Horton tha	t he (inmate Dixon) wa
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The bone on inmate Dixon's finger way. Inmate Dixon will be housed at	was trimed, the skin wa	Spulled even the	spital by ADOC van.
up. Inmate Dixon will be housed at MOU doctor.	Staton CC MOU until	he is released bac	bone and then stitched
MOU doctor.	*	is released bac	a to Elinore CC by the
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(Use AD	OC Form 302-B for Continu	ation of narrative)	
Official Reporting: Lt. Robert Roge		Date: <u>8/03/05</u>	Time: 2.22
Receiver of Report: Ach Campter	353.892		Time: 8:33 p.m.
Deputy Comm. of Operations:			
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The second secon		Date:	Time:
rvestigations:		Date:	Time:
ublic Information Officer:		Date:	Time:
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MESSAGE CONFIRMATION

AUG-05-2005 05:18PM FRI

FAX AUMBER 1334 567 1804 NAME FINGRE CORRECTIONAL

NAME/NUMBER

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AUG-05-2005 05:17PM FR

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MESSAGE CONFIRMATION

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> Alabama Department of Corrections Duty Officer Report

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Date: 8/25/05
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